

DIAA Board of Directors' Meeting Minutes  
Thursday September 8, 2016 – 9:00 a.m.  
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Dr. Matthew Donovan, Craig Eliassen, Dr. Bradley Layfield, Robert Cilento, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, Dr. Bradley Bley, Jeremy Jeanne, Robert Watson, Jr., Dr. Mark Holodick, Dr. Evelyn Edney, Leroy Mann, Gary Cimaglia, Dr. Amelia Hodges, Thomas Neubauer; Executive Director, Laura Makransky; Deputy Attorney General, and DIAA staff Terre Taylor; Coordinator of Interscholastic Events and Tina Bates were also in attendance. Ted Laws, Susanne Williams and Stan Waterman were unable to attend.

C. Approval of Agenda

Dr. Bradley reported that Item IV. B. for Cape Henlopen was postponed at the school's request. Mr. Hart made a motion to approve the amended agenda and the addendum to the agenda. The motion was seconded by Dr. Donovan and carried unanimously.

E. Approval of Minutes of DIAA August 11, 2016 Board Meeting

Mr. Hart made a motion to approve the minutes of the August 11, 2016 Board meeting. The motion was seconded by Mr. Jeanne and carried unanimously.

F. DIAA Financial Report

Mr. Neubauer reported that the income for the month was \$10,346 largely from interest and officials registration. Mr. Neubauer reported that the expenses were \$51,080 which included a deposit for wrestling clocks, DIAA Student Leadership Conference and sideline passes. The contingency fund balance is currently \$862,644. Mr. Jeanne made a motion to approve the financial report. The motion was seconded by Mr. Cimaglia and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 13 sanctioned events that needed to be

approved which included 6 cross country, 2 field hockey, 2 wrestling, 2 baseball and 1 softball. Mr. Neubauer stated that to the best of his knowledge the events were in compliance with DIAA and NFHS regulations. Mr. Eliassen made a motion to approve the sanction events. The motion was seconded by Mr. Hart and carried unanimously.

E. In the Matter of Interim Waiver Request:

1. 1009.2.4 by Laurel MS for DIAA 2016-9-4

Dr. Layfield advised that this matter is being considered under modified procedures with the consent of the parent. Mr. Cilento made a motion to go into executive session for the purpose of discussing the content of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Mr. Hart and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations.

Mr. Jeanne made a motion to go into deliberations. The motion was seconded by Mr. Watson and carried unanimously. Dr. Edney made a motion to come out of deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Dr. Donovan and carried unanimously.

Dr. Holodick made a motion to approve the two interim waivers granted by the Executive Director and to grant the Student's waiver request. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Donovan, Edney, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Holodick, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

E. In the Matter of Interim Waiver Request:

2. 1009.2.4 by RLCA for DIAA 2016-9-5

Dr. Layfield advised that this matter is being considered under modified procedures with the consent of the parent. Mr. Cilento made a motion to go into executive session at the parent's request for the purpose of discussing the content of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Mr. Cimaglia and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations.

Mr. Cimaglia made a motion to go into deliberations. The motion was seconded by Mr. Watson and carried unanimously. Mr. Eliassen made a motion to come out of deliberations. The motion was seconded by Ms. Evans-

Gunter and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Dr. Donovan and carried unanimously.

Mr. Cimaglia made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver with the stipulation that the Executive Director will request a letter of support from the sending and receiving schools along with an attendance record and present at the next Board meeting. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Donovan, Edney, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Holodick, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

F. In the Matter of Request for Eighth Graders to Play High School 1009.2.7.3

Mr. Neubauer reported that as required by DIAA Regulation 1009.2.7.3. he received letters seeking permission to allow eighth grade student athletes the opportunity to participate on their schools high school athletic teams from the Odyssey Charter School, Red Lion Christian Academy, Sussex Academy, and Mount Sophia Academy. Board members questioned when DIAA felt that there were too many eighth graders participating. Mr. Eliassen asked that a definitive rule be developed and would like a report with the schools who have requested permission to allow eighth grade students to participate.

Dr. Fitzgerald made a motion to approve the requests. The motion was seconded by Mr. Cimaglia and carried unanimously.

C. Request to Waive 1009.2.4 by First State Military Academy for DIAA 2016-9-2

Student and Student's mother and Mr. Wood; athletic director at First State Military Academy were in attendance to present this request. Mr. Breeding made a motion to go into executive session for the purposes of discussing the content of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Dr. Edney and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there was less than a full Board present and there were 15 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board

considered and relied upon the written documentation provided.

Mr. Mann made a motion to go into deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously. Dr. Fitzgerald made a motion to come out of deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Cimaglia made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously.

Dr. Fitzgerald made a motion to table Student's request for clarification on the transfer rule with regards to school choice. The motion was seconded by Mr. Watson and carried unanimously.

D. Request to Waive 1009.2.4 by Milford HS for DIAA 2016-9-3

Student and Student's mother, Shawn Strickland; teacher/coach, and Ryan Winkleblech; athletic director were in attendance to present this request. Mr. Breeding made a motion to go into executive session for the purpose of discussing the content of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Dr. Donovan and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there was less than a full Board present and there were 14 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Fitzgerald made a motion to go into deliberation. The motion was seconded by Dr. Edney and carried unanimously. Mr. Eliassen made a motion to come out of deliberation. The motion was seconded by Dr. Fitzgerald and carried unanimously. Dr. Fitzgerald made a motion to go back in to deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Eliassen made a motion to come out of deliberation. The motion was seconded by Mr. Jeanne and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Cimaglia made a motion to deny Student's request. The motion was seconded by Mr. Hart and carried by a vote of 8 – yes (Edney, Eliassen, Cimaglia, Layfield, Hart, Breeding, Evans-Gunter, and Thompson) and 6 – no (Donovan, Watson, Fitzgerald, Mann, Bley, and Jeanne).

V. Discussion Items

A. ECA

Mr. Neubauer reported that due to the ongoing concern of the status of Eastern Christian Academy he drove to the site of the school and commented that the school was no longer there and after reading two newspaper articles he believes ECA is closed. Mr. Neubauer commented that he advised the athletic directors to make sure they have an official transcript from students attempting to transfer to their school from ECA. Considerable discussion ensued regarding ECA and if transcripts are official. Dr. Fitzgerald commented that the issue should be brought before the Rules and Regulations Committee. Ms. Makransky reviewed regulation 1009.2.4.4.2.

VI. Executive Director Report

B. Misc.

Mr. Neubauer recognized Terre Taylor as the new Coordinator of Interscholastic Athletic Events and also presented her with an award for her years as the DIAA Chairperson of the Board of Directors.

Mr. Neubauer reported on the officials contracts. Mr. Hart explained that DVOA has not yet signed their contract and explained what in the contract they were rejecting. Mr. Hart made a motion for the Executive Director to send an email to all Athletic Directors and to the DVOA Officials group that no contract is in place and that schools cannot use volleyball officials that are connected to DVOA. The motion was seconded by Mr. Thompson and carried unanimously.

V. Discussion Items

B. Potential Litigation

Mr. Hart made a motion to go into executive session. The motion was seconded by Mr. Cimaglia and carried unanimously.

The Board moved into executive session for the purpose of discussing potential litigation.

Mr. Cilento made a motion to come out of executive session. The motion was seconded by Dr. Edney and carried unanimously.

Dr. Layfield made a motion to follow legal advice. The motion was seconded

by Dr. Fitzgerald and carried unanimously.

VII. Other

VIII. Public Comment

None.

IX. Adjournment

Dr. Edney made a motion to adjourn at 1:25 p.m. The motion was seconded by Mr. Hart and carried unanimously.

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Tina Bates